



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. SERIAL NO. : 10/729,167
APPLICANTS : Fournay, et al.
FILING DATE : 4 December 2003
GROUP ART UNIT : 1654
EXAMINER : Roy R. Teller
DOCKET NO. : FP0602.2 US
TITLE : FAT REGULATION

Commissioner for Patents
PO Box 1451
Alexandria VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is in response to the Restriction Requirement dated 14 June 2006, the period for response being extended until 14 December 2006 by the accompanying petition and fee. Please consider the above-identified application in view of the following remarks.

I. Restriction

The Examiner restricted the claims in the above-referenced application as follows:

- Group I: Claims 1, 3-14, 16, 18, 20, 22-24, 26, and 28-31, drawn to a method comprising stabilizing HIF alpha;
- Group II: Claims 2, 4, 13, 15, 17, 19, 21, 25, and 27, drawn to a method that inhibits HIF hydroxylase activity; and,
- Group III: Claims 32 and 33, drawn to a method for decreasing aerobic metabolism and increasing anaerobic metabolism.

In view of the following remarks, Applicants respectfully request that the Examiner reconsider and withdraw the requirement for restriction between Group I and Group II. The Examiner stated that while the inventions in groups I and II are directed to related methods, "the methods have different effects, i.e., group I stabilizes HIF alpha, and group II inhibites [sic] HIF hydroxylase activity." (Restriction Requirement, page 3.) Applicants submit that the methods recited in the claims of Group II can have similar effects as the methods recited in the claims of Group I. For example, in certain

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Name: Michael Moores

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